IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE CIVIL JURISDICTION

WRIT PETITION NO. 8285 OF 2007

Smt. Mangal Manohar Koli ... Petitioner

V/s

State of Maharashtra & ors. ... Respondents

Mr. R.K.Mendalkar for the petitioner.

Mr. C.R.Sonawane, A.G.P., for the respondents.

CORAM: J.N.PATEL AND
SMT.NISHITA MHATRE, JJ.

DATED: 27TH NOVEMBER, 2007

P.C.:

1. Heard.

2. The petition can be disposed of at the stage of admission. The only issue which is raised for our consideration is that the Caste Scrutiny Committee to which the caste claim of the petitioner was sent for verification was not properly constituted as one of its Member Mr.D.R.Chaudhary was the Law Officer and could not have acted as Member Secretary in accordance with the Government Notification and Rule 9 of the Maharashtra Scheduled Tribes (Regulation of Issuance and Verification of) Certificate Rules, 2003 which

clearly provide that the Member Secretary must be the Member of the Caste Scrutiny Committee under the law. Therefore, the impugned order is quashed and set aside on this technical ground alone.

3. The matter is remitted back to the Caste Scrutiny Committee to examine the caste claim of the petitioner without being influenced by its earlier order and pass necessary orders in accordance with law.

4. Needless to say that, as the Caste Scrutiny Committee is going to examine caste claim of the petitioner afresh, the petitioner is at liberty to furnish additional documents in support of her claim.

5. Petition stands disposed of accordingly.

(J.N.PATEL, J.)

(SMT.NISHITA MHATRE, J.)